

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

**CHERYL A. DEZEGO,**

**Plaintiff,**

**v.**

**CINEMARK USA, INC.,**

**Defendant.**

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**Case No. \_\_\_\_\_**

**NOTICE OF REMOVAL**

Cinemark, USA, Inc. ("Defendant"), by counsel, hereby gives Notice of Removal of this Action from the Circuit Court for the City of Newport News, Virginia, where the action is now pending. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. The removal is based on the following:

1. Plaintiff Cheryl A. Dezego filed her Complaint in this matter on or about May 3, 2021, in the Circuit Court for the City of Newport News, Virginia, Case Number CL2102060F-00 (the "State Court Action") seeking compensatory damages in the amount of \$250,000.00, plus costs and pre- and post-judgment interest.

2. On or about May 14, 2021, the Secretary of the Commonwealth, as the statutory agent for persons to be served in accordance with Virginia Code § 8.01-329, was served with a copy of Summons, Complaint, and Plaintiff's First Set of Interrogatories and Requests for Production of Documents to Defendant Cinemark, USA, Inc., which are attached as **Exhibit A**.

3. On May 28, 2021, Cinemark has sent its Answers and Affirmative Defenses to the Newport News Circuit Court Clerk's Office, which pleading is attached as **Exhibit B**.

4. Defendant is filing the Notice of Removal in this Court within thirty days of service of the Summons and Complaint in the State Court Action upon Defendant.

5. This matter is removable to this Court pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between and among the parties and there is sufficient amount in controversy. Upon information and belief, Plaintiff is a resident of the Commonwealth of Virginia and residing in Seaford, Virginia. Defendant is a citizen of the State of Texas because it is a corporation organized and existing under the laws of the State of Texas with its principal place of business located in Plano, Texas.

6. Additionally, the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. Plaintiff commenced this suit in a state court that is within this district and division.

8. Defendant has also filed a notice with the Circuit Court for the City of Newport News, and it will also serve a copy of this Notice of Removal on Plaintiff.

WHEREFORE, Cinemark USA, Inc. respectfully requests that the State Court Action be removed from the Circuit Court for the City of Newport News to this Court.

**CINEMARK USA, INC.**

By: /s/ Robert Wm. Best  
Robert Wm. Best (VSB #72077)  
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*Counsel for Cinemark USA, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that on this 28th day of May 2021, the foregoing was mailed,  
first-class postage, prepaid to:

Richard W Zahn, Jr., Esquire  
The Joel Bieber Firm  
272 Bendix Road, Ste. 350  
Virginia Beach, Virginia 23452  
*Counsel for Plaintiff*

By: /s/ Robert Wm. Best  
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